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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,213	03/26/1999	YASUSI KOBAYASHI	FUJO-12.880A	3219
26304	7590	02/23/2004		
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585				
			EXAMINER HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 02/23/2004

36

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/277,213

Applicant(s)

KOBAYASHI ET AL.

Examiner

Shick C Hom

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43,44,46-48,50,53,54 and 92-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43,44,50,53,54 and 95 is/are allowed.
- 6) ☒ Claim(s) 46-48 and 92-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 92 and 93 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

3. Claims 43, 44, 53 are objected to because of the following informalities: In claim 43 line 6 delete typo "operating" and insert ---operation---. In claim 53 line 10 delete typo "est" and insert ---test---. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 92 is rejected under 35 U.S.C. 102(e) as being anticipated by Oouchi (5,282,203).

Oouchi discloses the switch station; which exchanges a fixed-length packet with a predetermined format, comprising: a switch exchanging the fixed-length packet (see Fig. 2 and col. 4 lines 17-41 which recite the packet switch for switching fixed-length packet); a control processor generating control information to control operations of this switch station; an intra-station device, provided within this switch station, performing a communication operation according to the control information from said control processor; and an interface unit converting a data format of the control information into a data format of the fixed-length packet which said switch can exchange; wherein the control information generated by said control processor is sent from said interface unit to said intra-station device through said switch after the data format of the control information is converted (see col. 2 lines 51-63 and col. 4 line 63 to col. 5 line 8 which recite the processor

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for executing the control program stored in memory, circuits for converting the control cells, for segmenting message into fixed-length cells, and the interface circuit clearly anticipate the intra-station device performing the communication operation, the switch, the control processor, and the interface unit, respectively).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103[®] and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 93-94 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oouchi (5,282,203) in view of Gollub (4,782,485).

Regarding claims 93, 94, and 46-48:

Oouchi discloses the switch station described in paragraph 5 of this office action. Oouchi did not recite the control information being communicated according to link access protocol as in claim 93; and Oouchi did not recite the direct memory access unit as in claim 94.

Gollub teaches that it is known to provide the Packet Control Byte containing information for data link level control which conforms with the Link Access Protocol LAP-B as defined in the X.25 standard as set forth at col. 15 lines 28-47 in the field of digital and multiplex communications for the purpose of providing a Data Packet Format which provides both means for detecting data transmission errors and means for implementing retransmission when such errors are detected which clearly anticipate the control information being communicated according to link access protocol as in claim 93. Col. 12 lines 47-61 which recite the use of a direct memory access controller clearly anticipate the direct memory access unit as in claim 94.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the control information being communicated according to link access protocol and the use of a direct memory access controller as taught by Gollub to the system of Oouchi because Gollub teaches the desirable advantage of using the Link Access Protocol LAP-B as defined in the X.25 standard for implementing retransmission when errors are detected and the desirable advantage of using DMA technique for memory access and use of standard protocol and DMA technique being desirable to achieve efficient system operation in Oouchi. Both the Link Access Protocol and DMA technique can be implemented in Oouchi by providing the protocol in the switch station and connecting a DMA unit to the program memory recited in Oouchi, respectively.

Regarding claim 46:

Oouchi discloses wherein said control information packet contains a command code and address data to be processed by said direct memory access means (see Fig. 1, col. 5 lines 39-55, and col. 8 lines 15-24).

Regarding claim 47:

Oouchi discloses wherein said control information packet is assigned routing information to allow a switch in the exchange station to be identified and route the control information cell through a path accommodating said direct memory access means or the terminal unit (See Fig. 1 and col. 4 lines 17-33).

Regarding claim 48:

Oouchi discloses wherein output of said direct memory access means is connected to a multiplexing circuit connected to an input highway of the exchange station (see the multiplexing circuit of the interface circuit connected to the controller in col. 4 line 63 to col. 5 line 8).

Allowable Subject Matter

8. Claims 43-44, 50, 53, 54, and 95 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications;
please mark "EXPEDITED PROCEDURE")

Or:

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(for informal or draft communications, please
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington. VA., Sixth
Floor (Receptionist).

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Shick Hom
whose telephone number is (703) 305-4742. The examiner's
regular work schedule is Monday to Friday from 8:00 am to 5:30
pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Seema Rao, can be
reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the
Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

SH

February 10, 2004



EXAMINER
TECHNICAL EXAMINER